

“Final Compensation” for Safety Members means the Base Compensation for the highest one year period during membership in the Retirement System, for those Safety Members who are on the active payroll of The City of San Diego on or after January 1, 1988, and who retire on or after July 1, 1988.

“General Member” is any Member not otherwise classified as a Safety Member or Elected Officer.

“Health Eligible Retiree” means any retired General Member, Safety Member, or Elected Officer who: (1) was on the active payroll of the City of San Diego on or after October 5, 1980, and (2) retires on or after October 6, 1980, and (3) is eligible for and is receiving a retirement allowance from the Retirement System.

“Investment Earnings Received” means all interest received (net of interest purchased) on notes, bonds, mortgages, short-term money market instruments, and savings accounts; cash dividends received on stock investments; and all realized gains and losses from the sale, trade, or conversion of any investments of the Retirement System.

“Member” means any person employed by the City of San Diego who actively participates in and contributes to the Retirement System, and who will be entitled, when eligible, to receive benefits from the Retirement System. There are three classes of Member: General, Safety, and Elected Officer.

“Normal Contributions” means contributions by a Member at the normal rates of contribution, but does not include additional contributions by a Member.

“Prior Service” means service prior to January 1, 1927.

“Public Agency” means any city or public agency, located or having jurisdiction wholly or partially within the County of San Diego, that has no private sector ownership or control and has only public employees.

“Public Agency Participant” means a Public Agency employee who is: (1) compensated through the Public Agency’s payroll system, (2) treated as an employee by the Public Agency for tax-reporting and other purposes, and (3) participates in the Public Agency’s retirement plan administered by the Retirement System under Division 18 of this Article.

“Qualified Retiree” means a retiree who is eligible to receive the annual supplemental benefit set forth in Division 15.

"Retirement Fund" means the trust fund created by the City Charter in Article IX.

"Retirement System" and *"System"* means the City Employees' Retirement System as created by this Article, and the "1981 Pension System" means the Employees' Retirement System as created by Chapter II, Article 4, Division 11.

"Safety Member" means any Member who is: (1) a sworn officer of the City Police Department hired after July 1, 1946, (2) a uniformed member of the City Fire Department hired after July 1, 1946, (3) a full-time City lifeguard, or (4) effective July 1, 2003, a Police Department recruit employed by the City and participating in the City's Police Academy. Except as provided above, police cadets, persons sworn for limited purposes only, and all other employees of the Police Department, Fire Department and lifeguard service are not Safety Members.

"Service Retirement Annuity" means the Annuity which is the Actuarial Equivalent of the Member's Accumulated Normal Contributions at the time of the Member's retirement.

"Surviving Spouse Annuity" means an amount to be added to the Member's Base Retirement Benefit, calculated by computing the Actuarial Equivalent of the Accumulated Contributions in the Member's Surviving Spouse Annuity account at the time of the Member's retirement or participation in DROP, if the Member is not married at the effective date of retirement and elects to annuitize.

"Undistributed Earnings Reserve" shall mean the balance remaining in the account to which the earnings to the fund are credited, after the annual distribution to the employee and employer reserve accounts in accordance with interest assumption rates established by the Board, plus accumulated earnings which have not been so distributed.

"Unmodified Service Retirement Allowance" means the monthly allowance paid to a Member based on a formula using the Member's age at retirement, the Member's Final Compensation, and the Retirement Calculation Factor selected by the Member for the calculation of the Member's Base Retirement Benefit, in accordance with Sections 24.0402 and 24.0403.

(Amended 6-3-2003 by O-19183 N.S.)

§24.0104 Membership

- (a) Membership in the Retirement System shall be compulsory and a condition of employment for all members of the classified and unclassified service.

- (b) Effective July 1, 1991, employees in the Classified Service are required to join the Retirement System on the date of their employment.
- (c) Employees in the classified service paid on an hourly basis are not eligible for membership in the Retirement System nor shall they accrue any benefits in this system except as provided in Section 24.1304. Salaried employees in the classified service including those working one-half(1/2) or three-quarter (3/4) time are eligible for and shall become members of the Retirement System. Retirement benefits shall accrue to the above eligible members in the same proportion to full benefits as their service relates to the service of a full-time member.
- (d) Effective August 11, 1993, employees in the unclassified service are required to join the Retirement System on the date of their employment providing they are employed one-half (1/2), three-quarter (3/4) or full-time. Upon joining the System, they shall receive all the privileges and benefits afforded other members and shall be bound by all regulations governing such membership.
- (e) All eligible members in the Classified service transferring to the unclassified service pursuant to Section 117 of the City Charter shall be required to remain in and maintain membership in the Retirement System unless said person first terminates classified employment prior to assuming the unclassified position.
(*"Membership" renumbered from Sec. 24.0105 and amended 3-31-1997 by O-18392 N.S.*)

§24.0105.1 Same—Exclusion From

Notwithstanding the provisions of Section 24.0104, all persons hired by The City of San Diego after January 3, 1975, pursuant to provisions of federally funded programs of limited duration not requiring as a condition of such program transition to permanent positions in the Classified Service of the City, shall be ineligible for membership in the Retirement System.

(*"Same—Exclusion From" added 2-13-1975 by O-11488 N.S.*)

§24.0106 Transfer of Special Class

All members of the Police and Fire Retirement System for policemen and firemen of The City of San Diego who were regularly employed on June 30, 1946, are hereby transferred to the City Employees' Retirement System, who from the effective date of this amendment shall be classed and known as safety members of a special class, or special class safety members. From and after the effective date of this amendment all of such members so transferred shall be entitled to all of the privileges and benefits of

safety members of the City Employees' Retirement System, except as hereinafter in this ordinance specifically provided to the contrary.

("Transfer of Special Class" added 12-8-1976 by O-11964 N.S.)

§24.0107 Severability

If any section or part of this article be, for any reason, held unconstitutional or invalid by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions of this division, but such remaining portions shall be and remain in full force and effect.

("Severability" added 1-12-1971 by O-10479 N.S.)